
Remarks

Prior to entry of this paper and request for continued examination, the applicant's response to the first office action had been to cancel claims 1 – 8 and to add new claims 9 and 10. Subsequently, new claims 9 and 10 were subject to final rejection in a second office action, to which this paper responds. Applicant desires to amend claims 9 and 10 and to present new claims for consideration. The amendments as well as new claims present no new matter, are supported by the original disclosure, and are patentable over the art of record.

In response to the first office action, the applicant stated, "Accordingly, new claims 9 and 10 include limitations directed to the use of location/coordinate data to encrypt or encode other data. More specifically, the location/coordinate data is used to specify location within a remotely-accessible database of information at which the actual data can be discovered. In other words, the transmitted information includes as little as a mapping to information in a remotely database that can be retrieved to reconstruct the intended (i.e., the original) message."

In the second office action the examiner stated, "The Applicant argues that Duceck discloses a navigational system that transmit navigational information from a sender to a receiver and that the system is directed to the use of location-based information for the sake of knowing locations. The applicant claims a system for use of location-based information for the purpose of encoding or encrypting other information. The examiner agrees with the applicant's argument, however, Duceck also uses a system for transmitting location-based information for the purpose of encoding or encrypting information such as traffic messages."

The applicant respectfully disagrees. Duceck defines its "location database" as a repository of or for a digital street map. "In this context, the so-called digital street map is stored in a location database." Column 1, lines 24 – 26. The applicant agrees that Duceck describes a navigation device and that Duceck, as noted by the examiner, refers to "traffic messages" (see the following, for example); however, the applicant respectfully observes that all discussion in Duceck regarding what is actually transmitted refer to "descriptors" and "location coordinate pairs" (the descriptors being "street numbers and/or junction numbers" Column 2, lines 41 - 42). In examples such as the following, it appears that the transmitted "descriptors" and "location coordinate pairs" in Duceck are further acted upon to produce navigation related information and/or advice, such as a travel route.

As a result of the method according to the present invention, received digital traffic messages can be transmitted from the receiver to a navigational device, so that, for example, route suggestions determined by the navigational device can automatically be changed in accordance with any traffic disturbances that arise, or traffic messages having previously arrived and been stored are taken into account for a recalculation of a travel route. Column 2, lines 4 – 11.

Thus, the applicant respectfully argues that Duceck does not disclose transmission of any information as is the case with the present application, but only of "descriptors" and "location coordinate

Remarks -- Continued

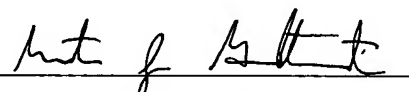
pairs." The "descriptors" and "location coordinate pairs" of Duceck corresponding only to street names and physical coordinates as encoded in the "location database" or digital map; the information encoded, transmitted, and decoded in Duceck is limited to the street names and physical coordinates contained in the digital map. Arbitrary information may not be transmitted according to Duceck.

Nonetheless, the applicant seeks to amend the claims with this paper. The purpose of the amendments is to clarify that the claimed invention is addressed to a method which utilizes an information content reservoir, also referred to in the application as a "remotely accessible database of information," to encode information. The information content reservoir or remotely accessible database of information is pre-existing in the environment. The content reservoir may be placed in the environment by the parties utilizing the system, or it may be found. The content reservoir may have existed in the environment for some time, or it may have come into being shortly before or even contemporaneous with a communication session made possible by the disclosed invention. The information which may be transmitted is any arbitrary set of information.

The applicant respectfully requests that a timely Notice of Allowance be issued with respect to the amended and new claims in this case.

Respectfully submitted,

NEWMAN & NEMAN

By 

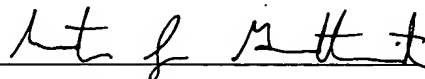
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Reg. No. 57032

Date: November 13, 2006

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